



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2003-90-850

Applicant: PPL Montana LLC

Waterway: Yellowstone River

Issue Date: January 20 2004

Expiration Date: February 20, 2004 30 DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Under authority of the Secretary of the Army, the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, is considering an application from PPL Montana, LLC, Colstrip Steam Electric Station, PO Box 38, Colstrip, Montana 59329 for approval of plans and issuance of a permit.

The applicant is requesting a renewal of authorization to dredge silt from the river intake at the Nichols pump station on the right bank of the Yellowstone River at mile 246.20 in Sections 13 and 24, Township 6 North, Range 39 East, Rosebud County, Montana. This activity was authorized on August 22, 1984 under Department of the Army Permit No. MT 2SB OXT 005883 and again on June 2, 1994 under Department of the Army Permit No. 199390633. The last permit was transferred from the Montana Power Company to PPL Montana LLC. on December 17, 1999 and expires on June 2, 2004. The applicant is requesting authorization to utilize, depending upon conditions, either Alternative as described below.

Alternative A: The proposed project will consist of using a Mudcat Dredge to dredge an estimated 5000 cubic yards of river silt per year from an inlet channel that serves the pump house which supplies water for the Colstrip electric generating units. The dredge will be capable of dredging 2500 gallons per minute. The dredge slurry will be approximately 30% solids and will be pumped into an existing holding pond located next to the inlet channel and will later be used as construction fill at upland locations where it cannot reenter the river or any other waterway or wetland. The effluent from the settling ponds will be returned to the channel inlet in the vicinity of the pump intake.

Alternative B: The applicant has also requested permission to use an extended reach excavator rather than the mudcat dredge for the following reasons:

1. The excavator would stay on the riverbank and a bucket on the end of the extended arm would remove the silt.
2. The amount of time anticipated for the excavator to clean out the intake would be less than current dredging operation.
3. The excavator would not create as much turbidity as the mudcat dredge, either in the river or in the intake.

The excavator would place the material in dump trucks, which would dispose of the material into the existing settling ponds.

TENTATIVE LIST OF SPECIAL CONDITIONS

1. That close coordination will be maintained with downstream water users, advising them of any water quality changes to be caused by the dredging operation.
2. That all dredged or excavated materials, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.
3. That the disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.
4. That when the District Engineer has been notified by a fishery agency that a dredging activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.
5. That no dredging shall be conducted prior to July 15th of any calendar year.
6. That no suitable nest or perch trees shall be removed or disturbed by the dredging operation.
7. That all work in the waterway be performed in such a manner so as to minimize increase in suspended solids and turbidity, which may degrade water quality and damage aquatic life outside the immediate area of operation.
8. That dredging operations shall commence in that portion the inlet channel farthest from the river and shall proceed towards the mouth of the channel.
9. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
10. That the use of machinery in the waterway be kept to a minimum.
11. That care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
12. That the U.S. Environmental Protection Agency be notified when decisions are made to activate the dredge or excavator to allow EPA staff the opportunity to observe the activity.

The applicant's stated project purpose is to maintain the inlet channel during low flow periods for the Nichols pump station in order to insure (1) an adequate supply of water to the Colstrip electric generating units and (2) to supply up to 2 cubic feet per second of domestic

water for the City of Colstrip. .

The purpose of this notice is to receive comments to assist the Corps in deciding whether to permit all or a portion of the completed project.

Drawings showing location and the extent of the project are attached to this notice.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and

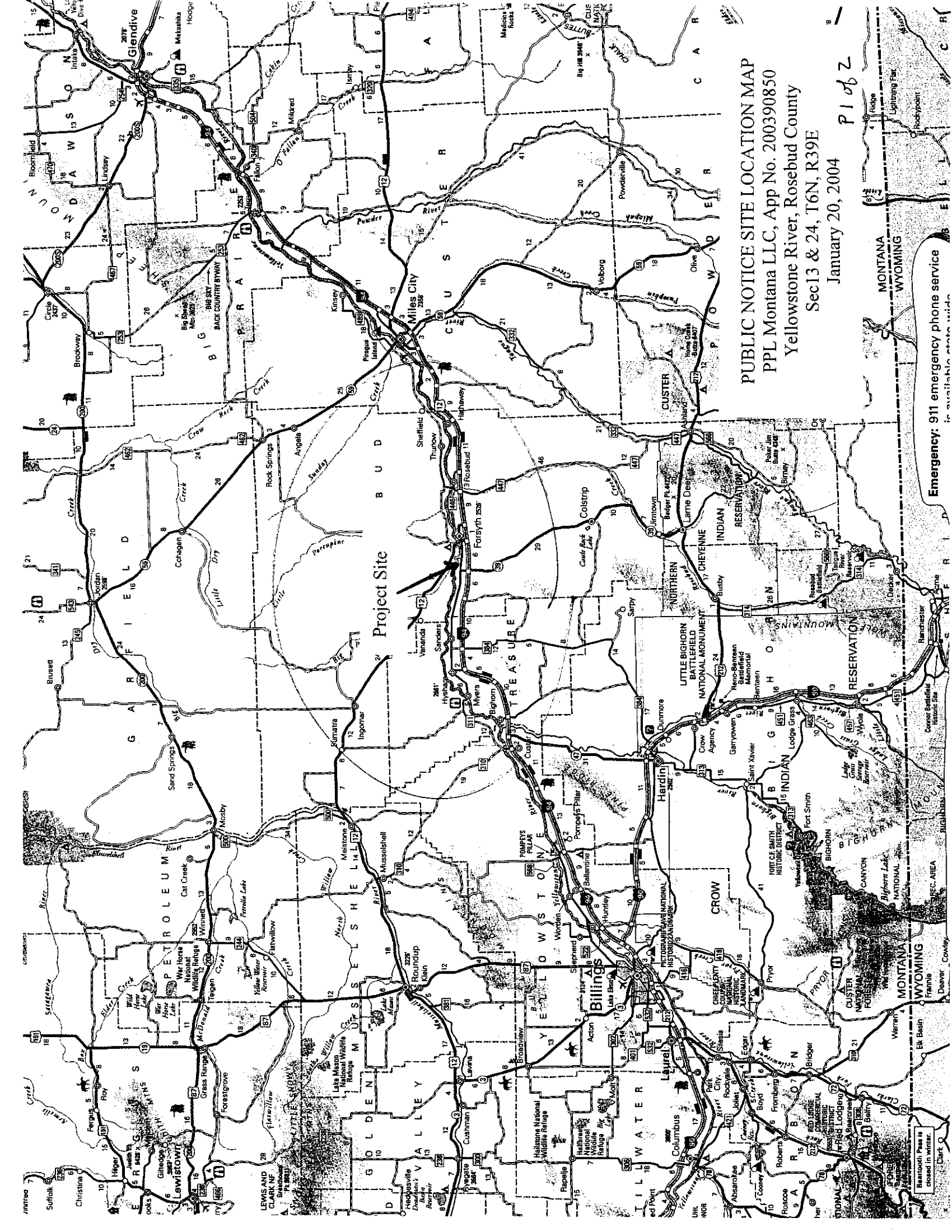
local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this constructed and proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Peter Schendel, Project Manager, telephone number (406) 441-1364, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or email to Peter.L.Schendel@usace.army.mil.

Comments postmarked after the expiration date of this public notice will not be considered.

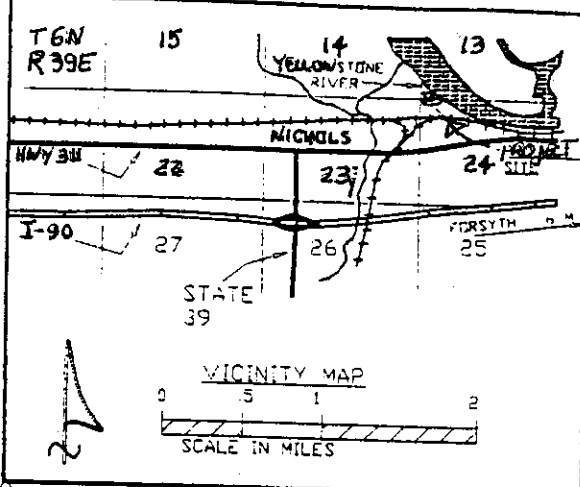
Statutory Authorities: A permit, if issued, will be under the provisions of Section 10 of the Rivers & Harbors Act of 1899 and Section 404 of the Clean Water Act.



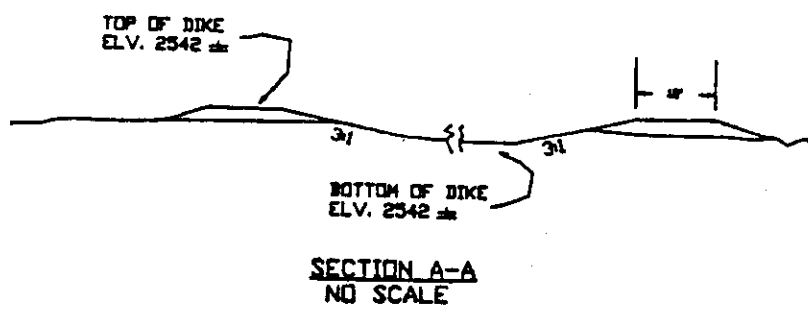
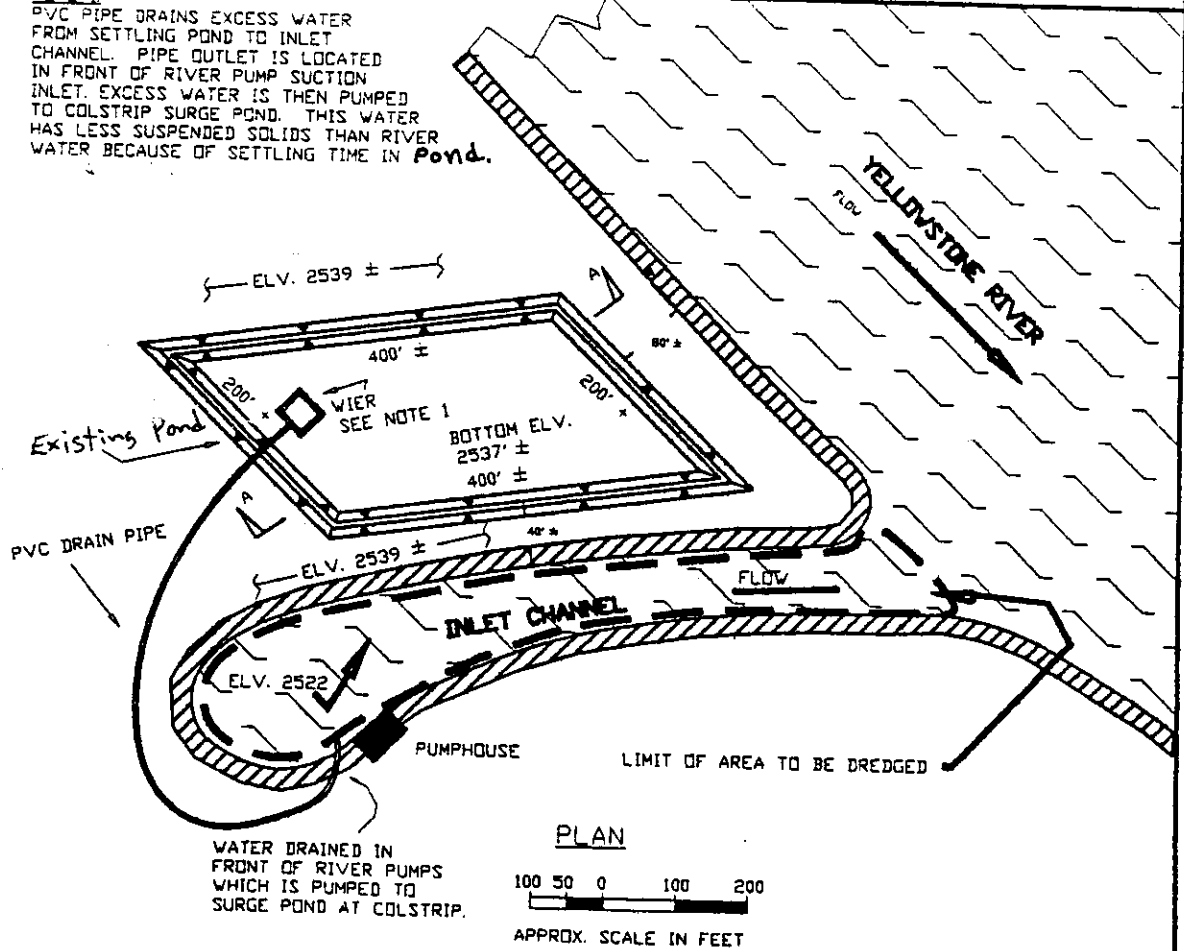
PUBLIC NOTICE SITE LOCATION MAP
PPL Montana LLC, App No. 200390850
Yellowstone River, Rosebud County
Sec13 & 24, T6N, R39E
January 20, 2004

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Emergency: 911 emergency phone service
is available state wide



NOTE 1
 PVC PIPE DRAINS EXCESS WATER FROM SETTLING POND TO INLET CHANNEL. PIPE OUTLET IS LOCATED IN FRONT OF RIVER PUMP SUCTION INLET. EXCESS WATER IS THEN PUMPED TO COLSTRIP SURGE POND. THIS WATER HAS LESS SUSPENDED SOLIDS THAN RIVER WATER BECAUSE OF SETTLING TIME IN Pond.



Dredging Project

Application by

PPL Montana

App. 200390850

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